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Security Council Committee established pursuant to resolution 1970 (2011) concerning the Libyan Arab Jamahiriya

Note verbale dated 1 July 2011 from the Permanent Mission of San Marino to the United Nations addressed to the Chair of the Committee

The Permanent Mission of San Marino to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1970 (2011), and with reference to the note by the Chair dated 25 March 2011, has the honour to submit herewith its report on the implementation of the resolutions 1970 (2011) and 1973 (2011) concerning the Libyan Arab Jamahiriya (see annex).

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Annex to the note verbale dated 1 July 2011 from the Permanent Mission of San Marino to the United Nations addressed to the Chair of the Committee

Report of San Marino on the implementation of Security Council resolutions 1970 (2011) and 1973 (2011) concerning the Libyan Arab Jamahiriya

The present report provides information on the measures adopted by San Marino to effectively implement the provisions contained in Security Council resolutions 1970 (2011) and 1973 (2011) concerning the Libyan Arab Jamahiriya (hereinafter referred to as "Libya").

The Congress of State (the Government of San Marino), in its Decision No. 14 of 7 March 2011, adopted the following restrictive measures implementing resolution 1970 (2011):

(a) prohibition of the direct or indirect supply, sale or transfer to any natural or legal person, entity or body in Libya or for use in Libya, from or through San Marino territory, or by using San Marino flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, as well as any materiel which might be used for repression, whether or not originating in San Marino, and of the export of the aforesaid items from Libya;

(b) prohibition of the direct or indirect provision of technical assistance, training or other assistance, including the provision of armed mercenary personnel, related to military activities or the provision, maintenance or use of any items referred to above, to any natural or legal person, entity or body in Libya or for use in Libya;

(c) prohibition of the direct or indirect provision of financing or financial assistance related to military activities or the provision, maintenance or use of the above-mentioned items;

(d) immediate freezing of all "assets" or "funds", as defined by Law No. 92 of 17 June 2008 and subsequent amendments, which are owned or controlled, directly or indirectly, by the individuals and entities listed in annex II to the above-mentioned Security Council resolution or designated by the Committee established pursuant to paragraph 24 of the resolution, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them;

(e) ban on the entry into and stay in San Marino territory of individuals listed in annex I to the resolution or designated by the aforesaid Committee;

(f) prohibition on participating, knowingly and intentionally, in activities, the object or effect of which is, directly or indirectly, to circumvent the prohibitions referred to in the points above;

(g) prohibition on making "assets" or "funds", as defined by Law No. 92 of 17 June 2008 and subsequent amendments, available, directly or indirectly, to or for the benefit of the natural or legal persons or entities referred to in the aforesaid annex II or designated by the Committee.

The exemptions set forth in resolution 1970 (2011) may apply to these restrictive measures, where appropriate and subject to the Committee's approval.

In addition thereto, the Congress of State, in its Decision No. 16 of 17 May 2011, adopted the following restrictive measures implementing resolution 1973 (2011):

(a) The freezing of all "assets" or "funds", as defined by Law No. 92 of 17 June 2008 and subsequent amendments, shall also apply to the individuals and entities specified in annex II to resolution 1973 (2011), or to individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them;

(b) The prohibition on making any "asset" or "fund", as defined by Law No. 92 of 17 June 2008 and subsequent amendments, available shall also apply to the individuals and entities specified in the above-mentioned annex II to resolution 1973 (2011);

(c) Any "assets" or "funds", as defined by Law No. 92 of 17 June 2008 and subsequent amendments, which are frozen pursuant to paragraph 17 of resolution 1970 (2011) and paragraph 20 of resolution 1973 (2011) shall, at a later stage, be made available to and for the benefit of the people of Libya;

(d) The ban on the entry into and stay in San Marino territory shall also apply to the individuals listed in annex I to resolution 1973 (2011).

Such restrictive measures are also imposed on the persons and entities included in the lists in Regulation (EU) No. 360/2011 of the Council of the European Union of 12 April 2011 concerning restrictive measures in view of the situation in Libya.

No violations of the ban on the entry into and stay in San Marino territory in respect of the persons referred to in annex I to resolution 1970 (2011) and in annex I to resolution 1973 (2011) have resulted from the controls and checks carried out by the Police Forces (the Civil Police, the Gendarmerie and the Fortress Guard).

The controls carried out by the competent offices of San Marino have showed that no imports or exports to or from natural or legal persons, entities or bodies in Libya, or intended to be used there, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, as well as materiel that could be used for repression (referred to in paragraph 9 of resolution 1970 (2011)) have been carried out.

Furthermore, the San Marino Financial Intelligence Agency has carried out research activities in the San Marino banking and financial sectors to establish any relations of any kind or the presence of the persons mentioned in resolutions 1970 (2011) and 1973 (2011) in the anti-money-laundering register or in the electronic archives and systems. With a view to enhancing the effectiveness of the preventive action in relation to money-laundering and terrorist financing, such research activity has then been extended to those persons who are not mentioned in the United Nations resolutions, but are included in the measures of the European Union (in particular in annexes III and IV to Council Decision 2011/137/CFSP of 28 February 2011, concerning restrictive measures in view of the situation in Libya and in

Council Implementing Decision 2011/175/CFSP of 21 March 2011). These research activities were completed with negative results.

The Financial Intelligence Agency, in the context of a risk-based approach and with a view to reducing the risk, including reputational, that might be caused to San Marino if it were involved in cases of money-laundering or terrorist financing related to Libya, has formally requested San Marino banking and financial intermediaries to pay special attention to all transactions, regardless of their amount, ordered by Libyan parties (natural or legal persons) and to transfers of funds from or to Libya ordered by anyone. In such circumstances and until a new contrary provision is issued by the Agency, obligated parties shall comply with enhanced customer due diligence, paying particular attention to the origin and/or destination of funds.

Finally, with a view to ensuring that resolutions 1970 (2011) and 1973 (2011) are widely known, the Agency has updated the section of its website dealing with restrictive measures, as established in article 5, paragraph 1, of Financial Intelligence Agency Instruction No. 2010-03.